

FIFTH DAY

(Tuesday, January 24, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Parker.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father, as we assemble today, provide to these that serve the long view of their work and encourage each one as they study and prepare to bring into focus issues and needs representative of their constituency. Our petition this morning is for openness, expectancy, faith and fairness as this workday begins. In our Father's name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Parker was granted leave of absence for today on account of important business on motion of Senator Brooks.

CO-AUTHOR OF SENATE BILL 97

On motion of Senator Edwards and by unanimous consent, Senator Carriker will be shown as Co-author of S.B. 97.

REPORT OF STANDING COMMITTEE

Senator Montford submitted the following report for the Committee on State Affairs:

S.B. 121**SENATE RESOLUTION 49**

Senator Zaffirini offered the following resolution:

S.R. 49. Extending welcome to distinguished visitors from Laredo to Austin, who have come to extend an invitation to the George Washington Birthday Celebration to be held in Laredo.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Zaffirini introduced a Laredo delegation, seated in the Gallery, and the following guests, dressed in beautiful costumes, representing participants in the Washington Birthday Celebration:

Society of Martha Washington: Arlene Richter, Debutante.

Princess Pocahontas: Linda Raquel Villarreal, portraying Princess Pocahontas and Mr. Jeffrey Joseph Czar, escorting Princess Pocahontas.

The Abrazo Children: Patricio David Sanchez, son of Mr. and Mrs. A. R. Sanchez, Jr.; Michelle Bernice Perez, daughter of Mr. and Mrs. Mike B. Perez; Mario Valdez, son of Sr. Tomas Roberto Valdez Davilla and Sra. Maria Teresa Salinas de Valdez; and Gabriella Vasquez, daughter of Sr. Jose Luis Vasquez Costilla and Sra. Patricia Z. de Vasquez.

Jalapeno Festival: Carolina Gentry and Erica Garcia.

These guests were welcomed by the Senate.

MESSAGE FROM THE HOUSE

House Chamber
January 24, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 20, Honoring Myrtle Crockett Smith on her 100th birthday.

S.C.R. 3, Granting the Texas DeMolay Association permission to use the House and Senate chambers on January 28 and 29, 1989, and February 25 and 26, 1990.

H.C.R. 39, Commending State Representative Weldon Betts.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolution:

H.C.R. 31

GUESTS PRESENTED

Senator Sims was recognized and introduced the following Honorary Pages from the Trinity Christian School of Midland: Peggy Coffey, David Freeman, John Gist, Brent Powell, Heather Walter and Kalyan Vindhya.

These young people were made welcome by the Senate.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 21 by Barrientos, Edwards, Truan Education
Encouraging state agencies, school district officials, program administrators and private sector organizations to recognize and target at-risk youths 12 and 13 years of age.

- S.C.R. 23** by Brown State Affairs
Directing the Automated Information and Telecommunications Council and the State Purchasing and General Services Commission to undertake a joint study of the feasibility of a State-sponsored satellite project.
- S.B. 205** by Barrientos, Edwards Education
Relating to public school parent involvement programs.
- S.B. 206** by Brooks Economic Development
Relating to regulation of tow truck owners.
- S.B. 207** by Brooks Economic Development
Relating to the regulation of vehicle storage facilities.
- S.B. 208** by Glasgow, Parker Criminal Justice
Relating to the examination of witnesses and statements made before a grand jury.
- S.B. 209** by Glasgow, Parker Criminal Justice
Relating to the subpoena or attachment of certain witnesses by a grand jury.
- S.B. 210** by Glasgow, Parker Criminal Justice
Relating to the presence in the grand jury room of the attorney representing the state.
- S.B. 211** by Glasgow, Parker Criminal Justice
Relating to an indictment for aggravated perjury committed before a grand jury.
- S.B. 212** by Glasgow, Parker Criminal Justice
Relating to the duties of a grand jury and the manner in which subpoenas relating to the grand jury process are issued.
- S.B. 213** by Glasgow, Parker Criminal Justice
Relating to the right to counsel of a person called to testify before a grand jury; providing penalties.
- S.B. 214** by Glasgow Economic Development
Relating to petroleum product franchises and the assignment thereof or succession thereto; providing for certain restrictions on franchise requirements of franchises; and declaring an emergency.
- S.B. 215** by Glasgow Criminal Justice
Relating to the eligibility of certain repeat felony offenders under the Texas Controlled Substances Act for release on parole or mandatory supervision.
- S.B. 216** by Glasgow State Affairs
Relating to payment of member contributions to the Judicial Retirement System of Texas Plan Two.
- S.B. 217** by Lyon State Affairs
Relating to the regulation by the public utility commission of fuel cost collection by electric utilities.
- S.B. 218** by Santicsteban Economic Development
Relating to registration by the comptroller of public accounts of individuals performing certain accounting services other than auditing.
- S.B. 219** by Lyon Intergovernmental Relations
Relating to eligibility for a beginning position as a fire fighter or police officer in certain cities; and declaring an emergency.

S.B. 233 by Parmer Criminal Justice
Relating to the aggregation of weights of controlled substances under certain offenses under the Texas Controlled Substances Act.

The Senate welcomed them and expressed to Dr. Munson, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, appreciation for his contributions today.

GUEST PRESENTED

Senator Barrientos was recognized and introduced to the Senate Mrs. Myrtle Crockett Smith.

Mrs. Smith, who will celebrate her 100th birthday on January 27, 1989, received a standing ovation from the Senate. She was presented an enrolled copy of S.C.R. 20, adopted by the Senate on January 23, 1989, by the President.

Representative Libby Linebarger, House sponsor of the resolution, was present to extend congratulations to Mrs. Smith on behalf of the House of Representatives.

SENATE CONCURRENT RESOLUTION 22

Senator Ratliff offered the following resolution:

WHEREAS, Dr. Stewart McLaurin, President of Kilgore College, died on January 11, 1989, at the age of 50, and his death was a great loss to the college community and the citizens of Kilgore; and

WHEREAS, Dr. McLaurin distinguished himself as a scholar and academic administrator; he had earned his bachelor's degree from Sam Houston State University, master's degree from Louisiana State University, and doctorate from The University of Texas at Austin; and

WHEREAS, He was awarded the National Science Foundation Scholarship for study in mathematics, was named a Distinguished Graduate of The University of Texas at Austin College of Education in 1988, and was to have received the Tom J. Peters Blue Chip Leadership Award for 1989 for leadership excellence in community colleges; and

WHEREAS, He amassed an astonishing record of achievements during the 10 years that he headed Kilgore College, including the completion of the \$2 million Physical Education Complex and Rangerette Showcase, the East Texas Oil Museum, a major landscaping project, the Technical-Vocational Building, the East Texas Police Academy Winfred J. Spear Training Center, and a major renovation of the Longview Center; and

WHEREAS, The various academic departments of the college flourished under his guidance, with new programs started in corrosion technology, radiologic technology, physical therapy, and computer repair; in addition, he initiated the use of high technology in instruction and management systems, and he saw the institution begin one of the first comprehensive testing, placement, and developmental education programs in Texas college education; and

WHEREAS, New extracurricular programs also were begun and quickly became successful; he initiated a women's basketball team in 1979 and a debate program in 1987; both won national championships last year; and

WHEREAS, Dr. McLaurin was a noted civic leader, being honored as Kilgore's Man of the Year in 1984 and serving as cochairman of the Bicentennial Committee of Kilgore, member of the City Charter Revision Study Committee, director of First Savings and Loan Association of Kilgore, past president of the Kilgore Chamber of Commerce, past member of the board of directors of the Wesley Foundation, and past chairman of the board of trustees of Good Shepherd Medical Center in Longview; and

WHEREAS, His outstanding contributions extended to the benefit of the entire State of Texas through his service on committees of the Texas Higher Education Coordinating Board, the Texas State Board of Education, and the Texas Public Community/Junior College Teachers Association; and

WHEREAS, The Texas Legislature is rightfully impressed by these many accomplishments, and it is proud to pay tribute to this outstanding citizen who

devoted his life to educating the youth of this state and who set such a worthy example for their emulation; now, therefore, be it

RESOLVED, That the 71st Legislature of the State of Texas honor the life of Dr. Stewart McLaurin; extend sympathy to his community, college, and many friends whose lives were touched by this outstanding individual; and offer sincere condolences to his family: to his wife, Jean McLaurin; his mother, Bertha McLaurin of Livingston; his brother, Robert McLaurin of Livingston; and his sisters, Margaret Alexander of Houston and Evelyn Smith of Cleveland; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of his family and that when the Texas Senate and House of Representatives adjourn this day, they do so in memory of Dr. Stewart McLaurin.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Ratliff and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

SENATE RESOLUTION 27

Senator Uribe offered the following resolution:

WHEREAS, The Senate of the State of Texas joins with the citizens of Brownsville in mourning the death of esteemed civic leader Antonio "Tony" Gonzalez; and

WHEREAS, Mr. Gonzalez attended Brownsville schools; proud of his profession as a registered pharmacist, he owned and operated Gonzalez Pharmacy for more than 50 years; and

WHEREAS, Known for his innovative and progressive ideas, Tony Gonzalez will be remembered for his unique contributions as the first Hispanic mayor of Brownsville; and

WHEREAS, A dedicated public servant, he had served on numerous boards before his tenure as mayor, including the Planning and Zoning Board, the Brownsville City Commission, and the Board of Equalization; he was president of the Lower Rio Grande Valley Development Council; and

WHEREAS, Throughout his distinguished public service career, Tony loyally and faithfully addressed the needs of his constituency; and

WHEREAS, A devout Christian layman, he was active in the Catholic Church; a member of the Alhambra Chapter of the Knights of Columbus, this beloved gentleman was a charter member of St. Joseph's Men's Club; and

WHEREAS, Blessed with a sparkling sense of humor and charming personality, Tony mesmerized people of diverse backgrounds and became a sounding board for many local individuals and groups with issues of special concern; and

WHEREAS, The varied and notable achievements of this distinguished gentleman contributed immensely to the dynamic growth and progress of his city and region; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby extend sincere condolences to his bereaved family: his daughter, Candida Cascos; his sons, Antonio, Jr., Eduardo, and Carlos Gonzalez; his two sisters; and his 14 grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for those held dear by Antonio "Tony" Gonzalez as a token of sympathy from the Senate of Texas, and that when the Senate adjourns this day, it do so in memory of Antonio "Tony" Gonzalez.

The resolution was read.

On motion of Senator Uribe, the resolution was adopted by a rising vote of the Senate.

GUEST PRESENTED

Senator Uribe escorted Mr. Gonzalez's daughter, Mrs. Candida Cascos, to the President's Rostrum.

The President presented to her an enrolled copy of S.R. 27.

MEMORIAL RESOLUTION

H.C.R. 34 - (Uribe): In memory of Lloyd Millard Bentsen, Sr.

CONGRATULATORY RESOLUTIONS

H.C.R. 39 - (Brooks): Extending best wishes to State Representative Weldon Betts for continued good health.

S.R. 50 - By Henderson: Extending congratulations to George W. Schalles IV on attaining the rank of Eagle Scout.

RECESS

On motion of Senator Brooks, the Senate at 11:25 a.m. took recess until 11:00 a.m. tomorrow.

FIFTH DAY

(Continued)

(Wednesday, January 25, 1989)

AFTER RECESS

The Senate met at 11:00 a.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

House Chamber
January 25, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 44, Granting the 71st Legislature permission to adjourn for more than three days.

H.C.R. 9, Commemorating the 150th Adoption of the Lone Star Flag of Texas.

S.C.R. 10, Honoring LaNelle Hays on 50 years of service in State government.

S.C.R. 22, In memory of Dr. Stewart McLaurin.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Sims submitted the following report for the Committee on Administration:

S.R. 17
C.S.S.R. 25

By unanimous consent, Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 38
S.B. 186

By unanimous consent, Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be Members of the TEXAS WATER DEVELOPMENT BOARD: Mr. Walter W. Cardwell III, Travis County; Mr. Wesley Edwin Pittman, Midland County.

To be a Member of the BOARD OF REGENTS, TEXAS A&M UNIVERSITY SYSTEM: Mr. Billy W. Clayton, Lamb County.

To be BRANCH PILOTS FOR PORT ARANSAS BAR, CORPUS CHRISTI BAY AND TRIBUTARIES: Captain Van A. Court, Nueces County; Captain Daniel Allen Dubose, San Patricio County; Captain Merlin W. Haydon, Jr., Nueces County; Captain Buford E. McRae, Nueces County; Captain Sammy Murphy, San Patricio County; Captain Billy Joe Robbins, Nueces County; Captain James F. Wilkerson, Jr., San Patricio County; Captain John Robert Williams, San Patricio County.

To be Members of the BOARD OF PILOT COMMISSIONERS FOR THE PORTS OF GALVESTON COUNTY: Mr. F. Wayne Faircloth, Jr., Galveston County; Mr. Sidney Charles Farmer III, Galveston County; Mr. Michael B. Hughes, Galveston County; Mrs. Diane Marie Bender Peck, Galveston County; Mr. James Foster Nowlin, Jr., Galveston County.

To be BRANCH PILOTS FOR THE PORTS OF GALVESTON COUNTY: Captain George Dennis Doherty, Galveston County; Captain Charles R. Gilchrist II, Galveston County; Captain John M. Lane, Galveston County; Captain Jack Harris Smith, Galveston County.

To be BRANCH PILOTS FOR THE GALVESTON BAR AND HOUSTON SHIP CHANNEL: Captain Robert E. Adams, Harris County; Captain Hans E. Anderson, Harris County; Captain Robert D. Bennett, Harris County; Captain R. M. Bratcher, Harris County; Captain J. C. Browning, Harris County; Captain Edwin L. Bruce, Harris County; Captain Eldridge L. Burnthorne, Harris County; Mr. James J. Donnelly, Jr., Harris County; Captain Roy R. Faulkner, Harris County; Mr. Raymond J. Fincher, Harris County; Mr. Michael P. Gale, Harris County; Captain Earl C. Goodwin, Galveston County; Captain James L. Griffin, Jr., Harris County; Captain C. E. Larsen, Harris County; Captain Michael K. Lawson, Harris County; Captain Lindburg A. LeBert, Harris County; Captain Thomas N. Lightsey, Jr., Harris County; Captain Tommy E. Longino, Harris County; Captain Edward B. Mercer, Jr., Harris County; Captain P. J. Neely, Jr.,

Harris County; Captain Walter C. Nixon, Harris County; Captain L. D. Palmer, Harris County; Captain James W. Pearson, Harris County; Mr. Thomas E. Phelps, Harris County; Captain Philip Pizzitola, Harris County; Captain Neill W. Ray, Harris County; Captain J. W. Rowland, Galveston County; Captain Walter F. Russell, Jr., Harris County; Captain Charles A. Schuessler, Harris County; Captain Zane Skinner, Harris County; Captain Roger H. Sutton, Harris County; Captain Arthur Tuttle, Jr., Harris County; Captain L. C. Vest, Harris County; Captain Jack W. Vetter, Harris County; Mr. Joseph W. Warfield, Harris County.

To be Members of the PILOT COMMISSION FOR THE SABINE BAR, PASS AND TRIBUTARIES: Mr. Kent M. Adams, Jefferson County; Ms. Patricia Ann Cantella, Jefferson County; Mr. J. Lynn Harden, Jefferson County; Mr. William G. McNinch, Jefferson County; Dr. Charles Paul Turco, Jefferson County.

To be BRANCH PILOTS FOR SABINE BAR, PASS AND TRIBUTARIES: Captain William J. Baran, Jefferson County; Captain Daniel J. Bromley, Jefferson County; Captain Robert C. Brown, Jefferson County; Captain Michael J. Casey, Jefferson County; Mr. Donald C. Ferguson, Jefferson County; Captain Michael J. Gerdes, Jefferson County; Mr. Henry H. Guidry, Jefferson County; Captain Mitchel L. Horne, Jefferson County; Mr. Leroy Rudolph Kurtz, Jefferson County; Captain Joseph M. Lupton, Jefferson County; Mr. James Oliver Meeks, Jefferson County; Mr. Wayne H. Parker, Jefferson County; Mr. G. C. Reeser, Jefferson County; Captain Millard A. Scott, Jefferson County; Captain Konstantinos I. Selinidis, Jefferson County; Captain Thomas B. Smith, Jefferson County.

To be BRANCH PILOT FOR THE MATAGORDA SHIP CHANNEL: Captain Steven C. Gibson, Calhoun County.

To be BRANCH PILOT FOR THE BRAZOS-SANTIAGO PASS, BAR AND TRIBUTARIES: Captain Douglas M. Grant, Cameron County.

To be JUDGE OF THE 150TH JUDICIAL DISTRICT COURT, BEXAR COUNTY: Judge Robert C. Arellano, Bexar County.

To be JUDGE OF THE 93RD JUDICIAL DISTRICT COURT, HIDALGO COUNTY: Judge Robert F. Barnes, Hidalgo County.

To be JUDGE OF THE 275TH JUDICIAL DISTRICT COURT, HIDALGO COUNTY: Judge Robert F. Barnes, Hidalgo County.

To be JUDGE OF THE COURT OF CRIMINAL APPEALS: Judge David A. Berchermann, Jr., Bexar County.

To be JUDGE OF THE 233RD JUDICIAL DISTRICT COURT, TARRANT COUNTY: Judge William H. Brigham, Tarrant County.

To be JUDGE OF THE 72ND JUDICIAL DISTRICT COURT, LUBBOCK COUNTY: Judge Johnson Blair Cherry, Jr., Lubbock County.

To be JUSTICES OF THE SUPREME COURT OF TEXAS: Judge Eugene A. Cook, Harris County; Judge Barbara G. Culver, Midland County.

To be JUDGE OF THE 265TH JUDICIAL DISTRICT COURT, DALLAS COUNTY: Judge Keith Dean, Dallas County.

To be JUDGE OF THE 295TH JUDICIAL DISTRICT COURT, HARRIS COUNTY: Judge Daniel M. Downey, Harris County.

To be JUDGE OF THE 268TH JUDICIAL DISTRICT COURT, FORT BEND COUNTY: Judge Brady G. Elliott, Fort Bend County.

To be JUDGE OF THE 194TH JUDICIAL DISTRICT COURT, DALLAS COUNTY: Judge F. Harold Entz, Dallas County.

To be JUDGE OF THE 226TH JUDICIAL DISTRICT COURT, BEXAR COUNTY: Judge Sid L. Harle, Bexar County.

To be JUDGE OF THE 280TH JUDICIAL DISTRICT COURT, HARRIS COUNTY: Judge Melinda Furche Harmon, Harris County.

To be JUDGE OF THE 192ND JUDICIAL DISTRICT COURT, DALLAS COUNTY: Judge Merrill Hartman, Dallas County.

To be JUDGE OF THE 219TH JUDICIAL DISTRICT COURT, COLLIN COUNTY: Judge Curt B. Henderson, Collin County.

To be JUDGE OF THE 141ST JUDICIAL DISTRICT COURT, TARRANT COUNTY: Judge Dixon W. Holman, Tarrant County.

To be JUSTICE OF THE THIRD COURT OF APPEALS: Judge J. Woodfin Jones, Travis County.

To be JUSTICE OF THE FIFTH COURT OF APPEALS: Judge Ed Kinkeade, Dallas County.

To be JUDGE OF THE 135TH JUDICIAL DISTRICT COURT, CALHOUN, DE WITT, GOLIAD, JACKSON, REFUGIO, AND VICTORIA COUNTIES: Judge Marion M. Lewis, Victoria County.

To be JUDGE OF THE 303RD JUDICIAL DISTRICT COURT, DALLAS COUNTY: Judge N. Sue Lykes, Dallas County.

To be JUSTICE OF THE TENTH COURT OF APPEALS: Judge Terry Robert Means, Navarro County.

To be JUDGE OF THE 193RD JUDICIAL DISTRICT COURT, DALLAS COUNTY: Judge Michael J. O'Neill, Dallas County.

To be JUDGE OF THE 134TH JUDICIAL DISTRICT COURT: Judge Anne Ashby Packer, Dallas County.

To be JUSTICE OF THE FOURTH COURT OF APPEALS: Judge David Peeples, Bexar County.

To be CHIEF JUSTICE OF THE SUPREME COURT OF TEXAS: Judge Thomas R. Phillips, Harris County.

To be JUSTICE OF THE SEVENTH COURT OF APPEALS: Judge Patrick A. Pirtle, Randall County.

To be JUDGE OF THE 251ST JUDICIAL DISTRICT COURT, POTTER AND RANDALL COUNTIES: Judge Patrick A. Pirtle, Randall County.

To be JUDGE OF THE 176TH JUDICIAL DISTRICT COURT: Judge James Brian Rains, Harris County.

To be JUDGE OF THE 318TH JUDICIAL DISTRICT COURT, MIDLAND COUNTY: Judge Dean Rucker, Midland County.

To be JUDGE OF THE 225TH JUDICIAL DISTRICT COURT, BEXAR COUNTY: Judge John J. Specia, Jr., Bexar County.

To be JUSTICE OF THE FIRST DISTRICT COURT OF APPEALS: Judge Richard E. Stephanow, Harris County.

To be PRESIDING JUDGE OF THE SECOND ADMINISTRATIVE JUDICIAL REGION: Judge Thomas J. Stovall, Jr., Harris County.

To be JUDGE OF THE 294TH JUDICIAL DISTRICT COURT, VAN ZANDT AND WOOD COUNTIES: Judge Tommy Wayne Wallace, Van Zandt County.

To be JUDGE OF THE 125TH JUDICIAL DISTRICT COURT, HARRIS COUNTY: Judge Don E. Wittig, Harris County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Edwards gave notice that he would on Monday, January 30, 1989, at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Lyon and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 24 by Lyon Jurisprudence
Granting East Texas Optical Company permission to sue the State of Texas and the Texas Department of Corrections.

S.C.R. 25 by Barrientos, Edwards, Truan Education
Directing the Legislative Budget Board and its staff to monitor and ensure full use of federal Job Training Partnership Act funds.

S.C.R. 26 by Barrientos, Edwards Education
Memorializing the Congress of the United States to lower the age of eligibility for participation in Job Training Partnership Act-funded programs from 16 to 12 years of age.

S.B. 234 by Green, Armbrister, Leedom, Henderson, Jurisprudence
McFarland, Brown, Bivins, Tejeda, Parker, Zaffirini
Relating to the consent to abortion for certain minors; providing penalties.

S.B. 235 by Parmer Criminal Justice
Relating to multiple prosecutions of offenses under the Texas Controlled Substances Act arising out of single criminal episodes.

S.B. 236 by Montford State Affairs
Relating to the addition of independent ginning services to other ginning services eligible to hold an agricultural permit.

S.B. 237 by Glasgow Health and Human Services
Relating to the regulation of the practice of chiropractic.

S.B. 238 by Green Economic Development
Relating to insurers who are members of the Texas Property and Casualty Insurance Guaranty Association.

S.B. 239 by Tejeda Intergovernmental Relations
Relating to retirement benefits and administration of and member contributions in certain retirement systems for fire and police personnel.

S.B. 240 by Lyon Education
Relating to the borrowing of money by a school district.

S.B. 241 by Johnson State Affairs
Relating to elimination of the requirement of a license plate on the front of a motor vehicle.

S.B. 242 by Krier Jurisprudence
Relating to the denial of the issuance or renewal of a driver's license and the denial of the issuance of motor vehicle registration because of the failure to appear at a hearing in a suit affecting the parent-child relationship.

S.B. 243 by Krier Jurisprudence
Relating to the payment of a child support obligation from workers' compensation benefits.

S.B. 244 by Edwards Intergovernmental Relations
Relating to the authority of a municipal fire department to obtain from the Department of Public Safety and local law enforcement agencies the criminal conviction record of certain fire department applicants.

S.B. 250 by Caperton Intergovernmental Relations
Relating to the application of the professional prosecutors law to the county attorney of Milam County.

CO-AUTHOR OF SENATE BILL 195

On motion of Senator Carriker and by unanimous consent, Senator Dickson will be shown as Co-author of S.B. 195.

CO-AUTHOR OF SENATE BILL 97

On motion of Senator Edwards and by unanimous consent, Senator Glasgow will be shown as Co-author of S.B. 97.

CO-AUTHORS OF SENATE BILL 90

On motion of Senator Montford and by unanimous consent, Senators Edwards and Glasgow will be shown as Co-authors of S.B. 90.

HOUSE CONCURRENT RESOLUTION 44

The President laid before the Senate the following resolution:

H.C.R. 44, WHEREAS, Article III, Section 17, of the Texas Constitution provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 71st Legislature, That each house hereby grant the other permission to adjourn for more than three days beginning with adjournment on Wednesday, January 25, 1989, through Monday, January 30, 1989.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

GUESTS PRESENTED

Senator Brooks, upon recognition, introduced a large delegation of members of the Texas Credit Union League.

These guests, seated in the Gallery, received the welcome of the Senate.

GUEST PRESENTED

Senator Haley was recognized and presented Dr. Ron McMurry of Jasper.

Dr. McMurry, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

ANNOUNCEMENT BY SENATOR PARMER

Senator Parmer announced that today was the 75th birthday of his mother, Mrs. Quay Parmer.

The Senate extended warm congratulations to Mrs. Parmer.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 3
S.C.R. 20

SENATE RESOLUTION 42

Senator Edwards offered the following resolution:

S.R. 42. Extending a welcome to Justin Wilson and expressing appreciation to him for his many contributions to the Texas law enforcement community.

The resolution was read and was adopted viva voce vote.

GUEST PRESENTED

Senator Edwards escorted Mr. Wilson to the President's Rostrum. Mr. Wilson shared a humorous story with the Senate.

SENATE CONCURRENT RESOLUTION 1

Senator Sims offered the following resolution:

WHEREAS, In 1989, Texans everywhere will proudly celebrate the 150th anniversary of the adoption of our state's official banner, the Lone Star Flag; and

WHEREAS, Originally created as the flag of the Republic of Texas, this beautiful symbol of our state was designed by Dr. Charles B. Stewart, the second signer of the Texas Declaration of Independence; the design was first approved by a committee of prominent Texans including Lorenzo de Zavala, William B. Scates, Thomas Barnett, Sterling C. Robertson, Thomas J. Gazley, and Richard Ellis; and

WHEREAS, The Lone Star Flag was officially adopted by the Third Congress of the Republic of Texas in Houston on January 25, 1839; when Texas joined the United States six years later in 1845, this well-loved emblem became the official state flag; and

WHEREAS, Today, the Lone Star Flag is the most widely recognized state flag in the nation; with its striking red and white bars and single star in a field of blue, the flag symbolizes the unique character and independence of the Lone Star State; and

WHEREAS, Throughout the years, the Lone Star Flag has embodied the pride and hope of generations of Texans; as we celebrate the 150th anniversary of its adoption, let us make a renewed effort to honor our flag with the special respect and reverence that are its due; now, therefore, be it

RESOLVED, That the 71st Legislature of the State of Texas hereby commemorate the 150th anniversary of the official adoption of the Lone Star Flag of Texas; and, be it further

RESOLVED, That the members of the 71st Legislature join with all Texans in saluting this abiding symbol of our state's unity.

The resolution was read.

On motion of Senator Sims and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

GUESTS PRESENTED

Senator Sims introduced to the Senate the following guests: Mrs. Clare Stewart Morris of Dallas, the great-granddaughter of Dr. Stewart; Emily Bellinger Morris, the great-great-granddaughter of Dr. Stewart; Wayne Wilcox of Montgomery, the great-grandson of Dr. Stewart and Mrs. Wilcox; Mrs. Virginia Stewart Lindley Ford, the great-granddaughter of Dr. Stewart's firstborn; Mrs. Billie Averitte, President General of the Daughters of the Republic of Texas, of Palestine; Karen Dannelly Thompson of Round Rock, President of the Martin Wells Chapter of Daughters of the Republic of Texas, and her husband, David, and Mary Kay Shannon of Fort Stockton, the Fifth Vice President General of the Daughters of the Republic of Texas.

These guests led the President and the Members of the Senate in the Pledge to the Texas Flag.

The Westlake High School Chorus, Austin, sang "Texas, Our Texas" and "America the Beautiful."

GUEST PRESENTED

Senator Green was recognized and introduced a former colleague, Judge Lyndon Williams of Houston.

The Senate welcomed Judge Williams as their guest.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
January 25, 1989

**TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
SEVENTY-FIRST LEGISLATURE, REGULAR SESSION:**

Pursuant to Article III, Section 5 of the Texas Constitution, I hereby designate as an emergency matter legislation to provide appropriations for junior colleges to fund group insurance premiums and to reappropriate any remaining funds which were transmitted to the Northeast Community College District and the Alamo Community College District for the 1986-1987 biennium, which are currently held outside the State Treasury by those institutions.

Pursuant to Article III, Section 5 of the Texas Constitution, I hereby designate as an emergency matter legislation providing an appropriation to redeem bonds issued to finance improvements at the Sematech research and development facility as part of the state program of economic development and diversification. I also designate as an emergency matter legislation providing an appropriation of \$10 million to develop necessary water transportation and related infrastructure improvements at Point Comfort, Calhoun County, Texas.

Pursuant to Article III, Section 5 of the Texas Constitution, I hereby designate as an emergency matter legislation relating to providing an appropriation to the State Preservation Board of \$7.4 million to provide architectural and engineering fees and

related miscellaneous costs for preparation for the restoration of the State Capitol and the General Land Office Building.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

**COMMITTEE SUBSTITUTE SENATE RESOLUTION 25
SET AS SPECIAL ORDER**

On motion of Senator Glasgow and by unanimous consent, C.S.S.R. 25 was set as special order on Monday, January 30, 1989, at the conclusion of Morning Call.

MEMORIAL RESOLUTIONS

S.R. 53 - By Barrientos: In memory of Police Officer Ramiro Olvera, Jr., of Austin.

S.R. 54 - By Barrientos: In memory of William A. Perkins of Austin.

S.R. 55 - By Montford: In memory of John Anderson, Jr., of Shallowater.

CONGRATULATORY RESOLUTIONS

H.C.R. 9 - (Sims): Commemorating the 150th anniversary of the adoption of the Lone Star Flag of Texas.

S.R. 52 - By Lyon: Declaring February 11, 1989, as Pat Tucker Day in the City of Tyler.

S.R. 56 - By Truan: Extending congratulations to Cefe Valenzuela of Corpus Christi.

ADJOURNMENT

In accordance with the provisions of H.C.R. 44 and on motion of Senator Brooks, the Senate at 11:26 a.m. adjourned, in loving memory of Dr. Stewart McLaurin and Jack Hensley, until 11:00 a.m. Monday, January 30, 1989.

SIXTH DAY

(Monday, January 30, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Zaffirini.

Absent-excused: Lyon, Parker, Whitmire.

A quorum was announced present.